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CANADA

In re Application of	:	
Brault et al.	:	
Application No.: 10/585,096	:	DECISION
PCT No.: PCT/CA2005/000018	:	
Int. Filing Date: 07 January 2005	:	ON
Priority Date: 12 January 2004	:	
Attorney Docket No.: 3121-1A-1	:	PETITION
For: Worktable Comprising A Multidirectional Coupling	:	

This is in response to the renewed petitions under 37 CFR 1.47(a) filed on 23 September 2008 and 03 October 2008.

### DISCUSSION

In the Decision mailed on 19 September 2008, the petition under 37 CFR 1.47(a) filed on 10 September 2008 was dismissed, without prejudice, because

regarding requirement (2), petitioner has provided an "Affidavit of Mrs. Annie Roy"... Said affidavit is accompanied by a copy and translation of a letter to Mr. Brault signed by Mme. Annie Roy and dated 13 August 2008. Also provided is a copy of a postal report, without a translation. Assuming *arguendo* that the letter dated 13 August 2008 is the same letter as referred to by Mrs. Brault in her "Affidavit," it is not clear that the period provided for response would have been adequate for Mr. Brault to read the contents of the letter, decide whether to execute the application, and return the declaration. Since it is not clear that the time period allowed was reasonable under the circumstances, it would not be appropriate to conclude at this time that Mr. Brault's failure to return the executed declaration within that time should be construed as a refusal within the meaning of 37 CFR 1.47(a).

Regarding requirement (4), petitioner has provided a statement that "the French language section of the bilingual French language declaration form used as the Declaration of ownership filed on May 2<sup>nd</sup>, 2008 is an accurate translation in French of the original English language section thereof." Petitioner should clarify whether this statement pertains to the declaration filed on 30 June 2006, the declaration filed on 14 May 2008, neither or both.

**In response**, regarding requirement (2), petitioner argues that Mrs. Roy's statement establishes that the signed declaration was not returned in "more than three weeks from the date of receipt by Mr. Brault of the letter and declaration and power of attorney," and alludes to a "statutory minimum period required by the U.S. patent office in these cases." Petitioner is advised, respectfully, that no such "statutory minimum period" exists; rather, the standard is whether a reasonable time has been provided for the non-signing inventor to receive, review and return the oath or declaration. From petitioner's statements, it appears that Mr. Brault had not returned the executed declaration as of 03 October 2008; Mrs. Roy's cover letter accompanying

the declaration and copy of the application was mailed on 14 August 2008. From the totality of the evidence now of record, including the additional passage of time without a response from Mr. Brault, it would be reasonable to construe Mr. Brault's failure to return the executed declaration as a refusal within the meaning of 37 CFR 1.47(a).

Regarding requirement (4), petitioner has provided appropriate statements with respect to the translations of both the declaration filed on 30 June 2006 and that filed on 14 May 2008. Therefore, requirement (4) now has been satisfied.

### **DECISION**

The petition under 37 CFR 1.47(a) is is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 June 2006**.

/George Dombroske/  
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CANADA

In re Application of  
Brault et al.  
Application No.: 10/585,096  
PCT No.: PCT/CA2005/000018  
Int. Filing Date: 07 January 2005  
Priority Date: 12 January 2004  
Attorney Docket No.: 3121-1A-1  
For: Worktable Comprising A  
Multidirectional Coupling

Dear Mr. Brault:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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